IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

WP(C).No. 22510 of 2007(D)

PETITIONER:

TAHIR A.P., S/O. MAMMU,
ANDIPPATTIL HOUSE, PURANG P.O., VIA KANHIRAMUKKU,
PIN-679584, MALAPPURAM DISTRICT.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENTS:

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1. THE STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, MALAPPURAM.

3. THE TAHSILDAR, PONNANI.

4. THE STATION HOUSE OFFICER,
PERUMPADAPPA POLICE STATION, PONNANI TALUK,
MALAPPURAM DISTRICT.

BY ADV. SHRI.I.V.PRAMOD, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.22510 OF 2007

DATED THIS THE 30th DAY OF JULY, 2007

JUDGMENT

The petitioner seeks release of the vehicle, which has been seized on allegations of illegal transport of river sand. The petitioner challenges the provisions contained in rules 27 and 28 of the Kerala Protection of River Banks and Regulation of Removal of Sand Rules 2002. However, for the present, the petitioner would be satisfied with a direction to the 2nd respondent to consider the petitioner's claim for release of the vehicle and for a direction to pass final orders in the matter.

Having heard the learned Government pleader also, I dispose of this writ petition with a direction to the 2nd respondent to release the petitioner's vehicle, on the petitioner depositing an amount of Rs.25,000/- and producing proof of ownership of the vehicle. This is subject to the further condition that the petitioner shall not alienate or otherwise part with possession of the vehicle till passing of final orders by the 2nd respondent. The 2nd respondent shall pass final orders expeditiously. Needless to say that while challenging the order to be

passed, the petitioner would be entitled to raise the contentions regarding the validity of the rules also. The vehicle shall be released immediately on payment of furnishing proof of ownership

S. SIRI JAGAN, JUDGE

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